

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 9, 2004
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:30 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Julia James, Administrative Services Director; Mike Teruya, Planning Manager; Pete Lippman, Treasurer/Auditor; Victor Peterson, Environmental & Community Development Director/Building Official; Thomas Gorham, Senior Planning Consultant; Paul Huckabee, Planning Consultant; Scott Albright, Senior Planner; Barbara Cameron, Grant Consultant; Melanie Irwin, Environmental Programs Analyst; Lt. Gloria Gressman, Sheriff's Department; and Lisa Pope, City Clerk.

FLAG SALUTE

Jonathan Friedman led the Pledge of Allegiance.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin reported that the Council met in closed session at 5:00 p.m. to discuss the following items:

Existing litigation per Government Code Section 54956.9 (a):

1. City of Arcadia, et al. v. Regional Water Quality Board, et al.
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753, BS080758, BS080791

2. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit) Los Angeles County Superior Court Case No. BC230410
3. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355 (on appeal)
4. City of Malibu v. California Coastal Commission (AB988 / LCP)
Los Angeles County Superior Court Case No. SC074641
Related cases (city named as a party in interest):
 - a. Rick Appel v. California Coastal Commission
Case No. SC074658
 - b. Ralph Herzig v. California Coastal Commission
Case No. SS011382
 - c. Primrose Company v. California Coastal Commission
Case No. SS011386
 - d. Riverview Farm Associates v. California Coastal Commission
Case No. SS011383
 - e. Brian Sweeney v. California Coastal Commission
Case No. SS011387
 - f. Trancas-PCH v. California Coastal Commission
Case No. SC074640
 - g. Tuna Ridge v. California Coastal Commission
Case No. SC011381
 - h. Land Use Preservation Defense Fund v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011388
5. Colony Beach Preservation Association v. California Coastal Commission
Los Angeles County Superior Court Case No. BS083683
6. Daniel & Laure Stern v. City of Malibu (Sprint PCS)
Los Angeles County Superior Court Case No. BS087741
7. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Amicus)
8. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
9. Sierra Club v. City of Malibu (Forge Lodge)
Los Angeles County Superior Court Case No. BS083573
10. Silver v. City of Malibu
Los Angeles County Superior Court Case No. BS081960
11. Sweeney et al v. City of Malibu
Los Angeles County Superior Court Case No. SS011602
12. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585 (on appeal)
13. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794 (on appeal)
14. Trancas Property Owners Association v. City of Malibu
Los Angeles County Superior Court Case No. BS084112
15. United States of America ex rel. Darian v. Accent Builders inc. et al.

United States District Court Case No. CV00-10255-FMC(JWJx)

16. Visher v. City of Malibu

Los Angeles County Superior Court Case No. SC078703

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

17. Property APN: 4458-018-002, 018, 019

City Negotiator: City Manager Lichtig or designee

Property Negotiator: Roy E. Crummer

Under Negotiation: Price and terms of payment

City Attorney Hogin indicated that the Council discussed some, but not all items listed on the Closed Session agenda due to limited time. She reported that the Council accepted an amendment to a previous settlement agreement between the City and George Rubens and the Rubens' Family Trust. She explained the amendments to the settlement agreement. She stated that the Council approved amendments involving some language changes to the paragraph on the administrative action bringing it up to date and noting that the agreement did not affect the Council's discretion to take any action that it chose on the pending applications. She indicated that the second change involved the dedication of property, specifically allowing the City to elect whether the property was going to be subject to an easement or donated to another agency. She stated that the amendment would also require that the property owner record a deed restriction against the property. She discussed the subdivision and slope density requirements. She explained the impact of the agreement on future Quimby Act requirements. She discussed the fact that at the last meeting the Council had requested an irrevocable offer to dedicate for a trail along the southern part of the property. She updated the Council on the meetings that had taken place with regard to the offer to dedicate.

City Attorney Hogin reported that the Council also authorized the City to file an appeal of the court's decision in the lawsuit entitled Visher v. City of Malibu, Los Angeles County Superior Court Case No. SC078703. She stated that beyond the issues indicated above, the Council took no reportable actions.

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on February 5, 2004, with the Amended Agenda posted on February 6, 2004.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of City Tile to Paul Adams for Seven Years of Service to the City of Malibu

Mayor Kearsley presented a City tile to Paul Adams, Parks and Recreation Director, for seven years of service to the City.

Parks and Recreation Director Adams thanked the Council for the honor.

B. Presentation of City Tile to Pete Lippman for Seven Years of Service to the City of Malibu.

Mayor Kearsley presented a City tile to Pete Lippman, City Treasurer/Auditor, for seven years of service to the City.

City Treasurer/Auditor Lippman thanked the Council for the tile.

ITEM 2A PUBLIC COMMENTS

Beth Caskie, Executive Director of California Wildlife Center, provided an update on the Prescott Grant program and introduced the Council to the new marine mammal responders.

John Mazza requested the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) agendas be placed on the City's website.

Marissa Coughlan congratulated Parks and Recreation Director Adams and City Treasurer/Auditor Lippman for their awards. She thanked Councilmember House for her many years of service.

ITEM 2B COUNCIL COMMENTS

Councilmember Jennings congratulated the California Wildlife Center on the Prescott Grant. He requested staff ensure the ZORACES agendas were on the website. He discussed the recent ZORACES meeting at which the status of the Local Coastal Program (LCP) litigation was

provided. He discussed the recent meeting with Ruth Coleman, Director of California Department of Parks and Recreation and Mike Chrisman, the new Resources Secretary, regarding the City's use of Bluffs Park.

Mayor Pro Tem Barovsky thanked the California Wildlife Center and Grant Consultant Cameron for their efforts on the Prescott Grant.

Councilmember House congratulated City Treasurer/Auditor Lippman and Parks and Recreation Director Adams on their tiles and thanked them for their service. She commended the Wildlife Center on the Prescott Grant. She thanked Ms. Coughlan for her kind remarks. She announced the memorial service to be held for John Harlow on February 28, 2004, from 1 to 4 pm. She stated that the family requested, in lieu of flowers, donations be made to the Venice High School Alumni Association John Harlow Memorial Fund for Adult Education.

Councilmember Stern discussed the recent meeting in Sacramento.

Mayor Kearsley congratulated the Wildlife Center and Grant Consultant Cameron on the Prescott Grant. He expressed sympathy to John Harlow's family.

Councilmember Jennings discussed the affinity credit card kickoff event and requested that staff explain the benefits the City would obtain from the card. City Treasurer/Auditor Lippman explained the portion of the proceeds the City would obtain from the affinity credit cards.

Councilmember Stern asked about the Candidate's Informational Meeting. City Manager Lichtig explained that a Candidate's Informational Meeting was held each election season to inform the candidates of the City's operations.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.6. was pulled by the public.

Item No. 3.B.7. was pulled by Councilmember House.

Item No. 3.B.5 was pulled by Councilmember Jennings.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to approve the Consent Calendar with the exception of Item Nos. 3.B.5., 3.B.6. and 3.B.7. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Waive further reading
Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
 - 2. Approve Warrants
Staff recommendation: Allow and approve warrant demand numbers 23999 through 24057 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 302 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$241,157.85.
 - 3. Denial of Claim for Damages filed by Kristine Noel Clark
Staff recommendation: Deny claim filed by Kristine Noel Clark.
 - 4. Denial of Claim for Damages filed by Livio Betti
Staff recommendation: Deny claim filed by Livio Betti.

The following items were pulled from the Consent Calendar for individual consideration.

- ITEM 3.B.5.** Purchase of New Financial Software System
Staff recommendation: 1) Approve the purchase of a new financial software system; 2) authorize the City Manager to negotiate and execute a contract with The Springbrook Software Company; and 3) appropriate \$112,729 from the General Fund undesignated reserve.

Councilmember Jennings suggested approving the contract subject to modifications by the City Attorney.

- MOTION** Councilmember Jennings moved and Councilmember House seconded a motion to 1) approve the purchase of a new financial software system; 2) authorize the City Manager to negotiate and execute a contract with the Springbrook Software Company, subject to any modifications by City Attorney; and 3) appropriate \$112,729 from the General Fund undesignated reserve. The motion carried unanimously.

ITEM 3.B.6.

Amendment to the Consultant Contract for the Preparation of the Environmental Impact Report (EIR) Malibu La Paz Office and Retail Project

Staff recommendation: Authorize the City Manager to execute Amendment No. 2 to Agreement between the City of Malibu and Christopher A. Joseph and Associates (CAJA) in the aggregate amount of \$27,594.50 for the preparation of the Environmental Impact Report (EIR) for Malibu La Paz Office and Retail project.

Don Schmitz, representing Malibu La Paz, requested the applicant have input on contract amendments. He requested CAJA provide bi-monthly reports to the Planning Manager and bi-weekly reports on progress and budget expenditures.

City Attorney Hogin expressed concern regarding any concession that would make it seem as if the EIR process was tainted by the applicant's concern regarding cost.

In response to Councilmember Jennings, City Attorney Hogin explained that the City was ultimately preparing the environmental review.

In response to Councilmember Jennings, Mr. Schmitz stated that the applicant would like to be involved in the process to ensure that the expenses and time frames were maintained. He explained that he would like the Planning Manager to contact him to discuss the charges.

Councilmember Stern expressed concern with the Planning Manager having to call the applicant to discuss charges from the EIR consultant.

Councilmember House indicated she had concern as well. She asked how often CAJA provided updated reports. Planning Manager Teruya stated status reports would be provided weekly.

City Manager Lichtig indicated the status of the project was reported monthly in the City Manager's Monthly Update.

MOTION

Councilmember House moved and Councilmember Stern seconded a motion to authorize the City Manager to execute Amendment No. 2 to Agreement between the City of Malibu and Christopher A. Joseph and Associates in the aggregate amount of \$27,594.50 for the preparation of the Environmental Impact Report (EIR) for

Malibu La Paz Office and Retail project. The motion carried unanimously.

ITEM 3.B.7. Adoption of Investment Policy 2004

Staff recommendation: Adopt Resolution No. 04-08 amending the investment policy, delegating investment responsibility to the City Treasurer, and repealing Resolution No. 03-05.

Councilmember House requested that the City Treasurer provide an explanation of the various types of investments available. City Treasurer/Auditor Lippman provided an explanation of the various types of investments available for the City's funds.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to adopt Resolution No. 04-08 amending the investment policy, delegating investment responsibility to the City Treasurer, and repealing Resolution No. 03-05. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. GENERAL PLAN AMENDMENT NO. 02-002 / ZONING MAP AMENDMENT NO. 02-002 / NEGATIVE DECLARATION NO. 02-003 - An Amendment to the Malibu General Plan Land Use Map from Rural Residential-20 to Rural Residential-5, and an Amendment to the Malibu Zoning Map from Rural Residential-20 to Rural Residential-5, on 68 Acres and Open Space Dedication of 57 Acres along the North side of Latigo Canyon Road, approximately 4,000 feet North of the Latigo Canyon/Pacific Coast Highway Intersection (Continued from November 24, 2003 – Applicant: City of Malibu; Owner: George J. Rubens; Settlement: George J. Rubens, as trustee of the George J. Rubens and Yvonne M. Rubens Family Trust, et al, and the City of Malibu; Location: North side of Latigo Canyon Road, approximately 4,000 feet North of the Pacific Coast Highway/Latigo Canyon Road intersection; Gross Acreage: 68 acres

Staff recommendation: (1) Adopt Resolution No. 03-25 adopting Negative Declaration No. 02-003 for General Plan Amendment 02-002 and Zoning Map Amendment No. 02-002; (2) Adopt Resolution No. 03-26 approving General Plan Amendment 02-002, changing the land use designation of the subject property from Rural Residential 20 to Rural Residential 5; (3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 241, an ordinance adopting Zoning Map Amendment No. 02-002, changing the zoning of the subject property from RR-20 to RR-5; and, (4) Direct staff to schedule a second reading and adoption of Ordinance No. 241 for the February 23, 2004 City Council meeting.

Senior Planner Albright presented the staff report.

In response to Mayor Pro Tem Barovsky, Senior Planner Albright explained that, under the General Plan, the applicant could build 6.2 dwelling units on 125 acres. He stated the request was for 6 houses on the 68 acres with 57 acres of open space dedicated. Mayor Pro Tem Barovsky asked if the National Park Service wanted the dedication. Senior Planner Albright indicated yes.

In response to Councilmember Stern, Senior Planner Albright indicated the Planning Commission had heard the item and recommended denial, but at that time there was no proposed trail dedication.

Diane DeFelice, representing the Rubens' Family Trust, thanked staff for their hard work. She indicated concurrence with the staff recommendation.

Candace Brown deferred her time to Jefferson Wagner.

Jefferson Wagner, President of the Latigo Canyon Homeowner's Association, stated the 57-acre dedication was unbuildable land. He stated the Park Service was not present to provide an explanation. He read portions of the letter dated February 9, 2004 from Mr. Frank Angel on behalf of the Latigo Canyon Preservation Association and Save Open Space Santa Monica Mountains.

John Mazza suggested that the Council consider the fact that the Planning Commission did not approve the project and that it was the outcome of litigation.

Dixie Moore addressed the Council in support of the proposed project. She stated the settlement was fair. She discussed the people in support and opposition to the project.

Don Schmitz addressed the Council in support of the Rubens Family. He encouraged the Council to settle with the Rubens Family. He addressed the Council on behalf of Primrose Properties and requested the trail easement dedication not be within the Primrose access easement.

In response to Councilmember Jennings, Mr. Schmitz indicated Primrose was the dominant tenement. He discussed various development that would overburden the easement.

Councilmember Jennings explained the difference between the dominant tenement and serviant tenement.

Gary Hammerle, Rosell Surveying and Mapping on behalf of the Ruben Family Trust, discussed the easement that creates Willmont Road.

Mayor Pro Tem Barovsky stated that it appeared that whatever action was taken someone would sue. She discussed the value of retaining 57 acres of open space.

Councilmember Stern stated the same number of houses could be built either way and the proposal offered dedicated open space and a trail. He indicated he would support the staff recommendation.

In response to Mayor Pro Tem Barovsky, Senior Planner Albright explained the Planning Commission's actions.

Councilmember House expressed surprise at Jefferson Wagner's comments. She discussed the provisions of the settlement agreement and explained that the applicant would have to follow current law when they applied.

Councilmember Jennings asked if the agreement provided the trail easement would be along the southern boundary of the property and if the Primrose property could restrict use. City Attorney Hogin explained that the rezoning was contingent on the Rubens recording an offer to dedicate. Councilmember Jennings discussed the benefits of clustering development. He discussed the increased property values in Malibu. He discussed the Sweeney litigation. He stated there was no evidence to support the idea that the property was unbuildable. He indicated support for the staff recommendation.

Mayor Kearsley discussed development in unusual areas. He indicated support for clustering. He stated the connection to the Coastal Slope Trail sold him on the project. He stated the negative declaration was acceptable and the EIR was not necessary. He indicated support for the proposed project.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to (1) Adopt Resolution No. 03-25 adopting Negative Declaration No. 02-003 for General Plan Amendment 02-002 and Zoning Map Amendment No. 02-002; (2) Adopt Resolution No. 03-26 approving General Plan Amendment 02-002, changing the land use designation of the subject property from Rural Residential 20 to Rural Residential 5; (3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 241, an ordinance adopting Zoning Map

Amendment No. 02-002, changing the zoning of the subject property from RR-20 to RR-5; and, (4) Direct staff to schedule a second reading and adoption of Ordinance No. 241 for the February 23, 2004 City Council meeting. The motion carried unanimously.

- B. Second Reading and Adoption of Ordinance No. 257 an Ordinance of the City of Malibu Amending Section 8.12.010 of the Malibu Municipal Code Adopting by Reference, Title 32, Fire, of the Los Angeles County Code
Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 257, amending Section 8.12.010 of the Malibu Municipal Code adopting by reference, Title 32, Fire, of the Los Angeles County Code.

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to conduct second reading and adopt Ordinance No. 257, amending Section 8.12.010 of the Malibu Municipal Code adopting by reference, Title 32, Fire, of the Los Angeles County Code. The motion carried unanimously.

ITEM 5 OLD BUSINESS

- A. Presentation by Malibu 2020 Team on the Outcomes of Evaluation of Interest in a Visioning Process (Phase I) and Recommendations on How to Proceed with Visioning in Malibu
Staff recommendation: Receive presentation by Malibu 2020 Team on the outcomes of evaluation of interest in a visioning process and consider recommendations on how to proceed with visioning in Malibu.

Rich Davis, Malibu 2020 Vision Team, introduced the team.

Margaret Rose Shultz provided an overview on the December 6, 2003 and January 10, 2004 Workshops.

Keith Gurney, RRM Design Group, stated the City was ready for a visioning process. He explained the components that make for a successful visioning process.

Rich Davis provided the proposed plan for the next 24 months and recommendations for Phase II of the visioning process. He requested the Council allocate \$75,000 per year for the next two years.

John Mazza thanked Rich Davis and the Team for the workshop process. He stated the conclusions of the workshop were not unexpected. He stated the Council's job was to determine how to keep the project going without it becoming political.

Georgianna McBurney discussed planning methods. She discussed the need for more citizen involvement. She urged the Council to support the plan.

Mayor Pro Tem Barovsky agreed with Mr. Mazza on the concept of independence and therefore disagreed that the Council should determine how the group should be structured. She stated she did not attend the workshops to allow independence. She encouraged the team to include the younger demographics.

Councilmember House discussed the General Plan Task Force. She discussed the proposed visioning process. She stated she was unsure whether or not she should attend the Vision 2020 workshops. She asked if councils in other cities were actively involved during their visioning process. Mr. Gurney stated that a lot of councilmembers attend sessions, but are not vocal. Councilmember House expressed concern that opinions might be swayed if councilmembers attended. She indicated support for the visioning process.

Councilmember Stern explained why he did not attend the workshops. He stated he supported the process, but could not yet support the requested funding.

Councilmember Jennings asked about the possibility of grant funding. Mr. Gurney discussed his previous efforts to obtain grant funding from the Coastal Conservancy. Councilmember Jennings asked if grant funds would replace some of the \$150,000 requested of the Council. Mr. Davis explained that the entire process would require \$300,000 and they were proposing a matching grant to the Coastal Conservancy.

Councilmember Jennings stated the greatest advantage was the idea of bringing new participants into the planning process. He stated he attended the second workshop and that the usual suspects were there. He indicated support for the concept and recommended the funding be reviewed by staff and included in the budgeting process.

Councilmember House indicated support for referring the matter to staff for consideration during the budget process.

Mayor Pro Tem Barovsky discussed the importance of prioritizing and stopping nasty politics.

Mayor Kearsley thanked the committee for their work. He discussed the importance of the visioning process. He asked that the requested funding be included in the budget process.

CONSENSUS

By consensus, the Council agreed to refer the matter to staff to be included for consideration in the budget process.

CONSENSUS

By consensus, the Council agreed to hear Item 6.A. at this time.

ITEM 6 NEW BUSINESS

A. North Santa Monica Bay Watersheds Task Force and Regional Watersheds Implementation Plan

Staff recommendation: Adopt Resolution No. 04-09 authorizing the City of Malibu to participate in the North Santa Monica Bay Watershed (NSMBW) Task Force, appoint a member of the City Council to serve as an Executive Committee member on the NSMBW Task Force and designate staff to work on the Advisory Subcommittee and/or other appropriate subcommittees.

Environmental Programs Analyst Irwin presented the staff report. She introduced Donald Wolfe, Chief Deputy Director of Los Angeles County Public Works; Terri Grant, Assistant Division Engineer, Watershed Management Division; and Susan Nissman, Senior Field Deputy for Supervisor Yaroslavsky.

Mayor Pro Tem Barovsky asked when the committee would be formed and up and running. Susan Nissman explained that they were going before each council and then the Board of Supervisors. She said that the first kickoff meeting would be sometime in mid-March.

Councilmember House asked if the new permit would include the County of Ventura and City of Thousand Oaks. Don Wolfe stated that it was anticipated that the future permit would be watershed based. Councilmember House agreed that the entire watershed should be included. Susan Nissman discussed the progress in breaking down barriers between Los Angeles County and Ventura County. She stated Los Angeles County was looking for the next National Pollution Discharge Elimination System (NPDES) application to be watershed based. Councilmember House asked when action items were expected from the proposal. Mr. Wolfe explained that the implementation plan would have to be completed within the next 18 months to 2 years.

Mayor Kearsley indicated support for the proposal. He stated the only approach was a regional approach. Ms. Nissman indicated the Board of Supervisors had established an integrated resource management approach. She discussed the importance of working with Ventura County.

In response to Councilmember Jennings, Ms. Nissman explained the makeup of the Watershed Task Force. Councilmember Jennings stated it was an excellent idea and congratulated Los Angeles County on bringing it forward.

MOTION Mayor Kearsley moved and Councilmember House seconded a motion to adopt Resolution No. 04-09 authorizing the City of Malibu to participate in the North Santa Monica Bay Watershed (NSMBW) Task Force, appoint a member of the City Council to serve as an Executive Committee member on the NSMBW Task Force and designate staff to work on the Advisory Subcommittee and/or other appropriate subcommittees. The motion carried unanimously.

MOTION Mayor Kearsley moved and Councilmember House seconded a motion to nominate Councilmember Stern as the representative to the executive committee and to nominate Mayor Pro Tem Barovsky as alternate.

Councilmember House asked how much staff time would be involved from the various cities. Terri Grant indicated monthly meetings were anticipated.

The motion carried unanimously.

ITEM 5 OLD BUSINESS

B. Election Consultant

Staff recommendation: Provide direction as to whether to engage a consultant to serve as an election monitor and resource relating to local campaign finance regulations and state reporting requirements under the Political Reform Act.

City Attorney Hogin presented the staff report.

Councilmember Stern stated Jo-Ann Grace may also have a conflict.

Lloyd Ahern addressed the Council in favor of an election monitor. He read a letter he had written to the editors of the local newspapers. He requested the City Attorney discuss the 1998 election campaign issues.

Mayor Pro Tem Barovsky discussed previous campaign violations. She indicated support for retaining Zandra Kayden and utilizing the services of Campaign Watch.

Councilmember House stated it was necessary to have someone who was perceived as untainted. She stated Ms. Kayden appeared to have adequate time for the position.

Councilmember Jennings stated that the purpose was to have someone on board who was not questioned. He apologized to Robert Stern.

Mayor Kearsley indicated support for hiring Ms. Kayden and requesting that the League of Women Voters provide assistance.

City Attorney Hogin indicated that she would pursue a contract with Ms. Kayden. She indicated that she would get back to the Council regarding the decision from the Los Angeles County League of Women Voters.

CONSENSUS

By consensus, the Council directed staff to pursue a contract with Ms. Kayden and request the services the League of Women Voters.

ITEM 7 COUNCIL ITEMS

- A. Council Appointments to the Native American Cultural Resources Advisory Committee (NACRAC)
Staff recommendation: Appoint new committee members to the Native American Cultural Resources Advisory Committee.

City Manager Lichtig presented the staff report.

Mayor Pro Tem Barovsky stated the Council could appoint one partner from the couples.

Councilmember House indicated she did not support that suggestion.

Mayor Kearsley requested that staff bring back a resolution allowing for a 17-member committee. Councilmember House indicated her support for the direction.

CONSENSUS

By consensus, the Council directed staff to bring back a resolution making a 17-member committee for the NACRAC.

ADJOURN At 9:40 p.m., Councilmember House moved and Councilmember Stern seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on March 22, 2004.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)